



BAR COUNCIL NEWS UPDATE – FRIDAY 18 OCTOBER 2019

Criminal justice

[The Telegraph](#), [Moose Gazette](#) - Police are solving half as many crimes as four years ago with under one in 13 offences leading to a prosecution, official figures reveal.

The number of offences resulting in a charge has fallen from 15.5 per cent in 2014/15 to a record low of 7.4 per cent in 2018/19, with rape charges dropping to just 1.4 per cent, according to Home Office data.

Richard Atkins QC, Chair of the Bar Council, said: “The apparent steep decline in the charging of offences is another serious concern for our criminal justice system, particularly if it is down to the fact that many victims do not support prosecution.

“The Home Office must investigate why this is happening. Those who commit criminal offences should be prosecuted and victims of crime need to have faith that their cases will be heard swiftly.

“The long delays in getting cases put before a court may be one reason and the Bar Council has urged the government to open the many criminal court rooms currently sitting idle to help cut the backlog.”

Consultation response

[The Independent](#) - The Bar Council, which represents all 16,500 barristers in England and Wales, has lent its backing to a number of proposals the government has outlined in its recent consultation on sexual harassment at work.

The Bar Council argued there needs to be a new mandatory preventative duty that necessitates employers to protect workers from being subjected to harassment in the workplace.

The council's law reform committee said: "In our experience the types of measures that an employment tribunal would consider to constitute 'all reasonable steps' does not accord with what the majority of respondent employers understand as being reasonable, even employers that consider themselves quite 'progressive' in terms of instituting diversity measures in the workplace."

It also backed proposals for a longer time limit of at least six months in instances of pregnancy and maternity discrimination for bringing a claim to an Employment Tribunal.

Eleena Misra, an employment and equalities barrister who is vice-chair of the committee, said: "The legal protections that currently exist within the framework of the Equality Act 2010 are not having the desired result...The Bar Council considered that the law did need to be strengthened in this area."

Jacqui Hunt, of Equality Now, a non government organisation which aims to promote the rights of women and girls, said: "We welcome the Bar Council's support for a code of practice that will provide employers in the legal professions with greater clarity on what their role and responsibilities are in addressing sexual harassment and other forms of sexual misconduct."

Lady Justice Hallett

[The Times](#) - Lady Justice Hallett, the vice-president of the criminal division of the Court of Appeal, has only one regret as she prepares to hang up her wig this week after a long and notable career. "[I didn't become lord chief justice,](#)" she says.

The judge turns 70 in December and under the present requirements must retire. Hallett, the state-educated daughter of a policeman, studied jurisprudence at the University of Oxford before being called to the Bar in 1972. She took silk in 1989 — only the 34th female to do so — and in 1998 became the first woman to chair the **Bar Council**, which represents barristers in England and Wales.

Criminal case backlog

[Law Gazette](#) - Robert Buckland QC MP was grilled on Wednesday by the House of Commons justice select committee on the backlog of criminal cases, trial delays and court sitting day allocations.

Told that the number of courts sitting empty has increased, Buckland said: "There has been a downturn in receipts to the Crown court, an increase in family law cases which meant we had to increase resources there...We do have to adjust our priorities according to the evidence. It's not an exact science and it's not easy."

Committee chair Bob Neill told Buckland that 'common sense says if there's a drop in receipts, that's the absolute opportunity to reduce the backlog positively. Why is that not being done? It's a political decision, isn't it lord chancellor?'

'It certainly is not,' Buckland replied, before Neill quoted the [senior presiding judge's letter](#) to the **Bar Council**, which stated that the decision not to cut the backlog further was political.

Buckland said: 'I think what she was referring to there was it was a decision made in the department as opposed to a decision made by judges.'

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